

1 APPEARANCES:

2 ROONEY RIPPKE & RATNASWAMY, LLP., BY

3 CARMEN L. FOSCO AND MARIS J. JAGER

4 350 West Hubbard Street

5 Suite 600

6 Chicago, Illinois 600654

7 312-447-2800

8 carmen.fosco@R3law.com, and maris.jager@R3law.com,

9 appeared on behalf of Commonwealth Edison

10 Company;

11 MR. BRETT KRAUSE (VIA TELEPHONE)

12 99 East 700 South

13 Logan, Utah, 84321

14 435-713-2136

15 ekraus@bonservite.com

16 appeared on behalf of the Respondent.

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19 L.A. COURT REPORTERS, LLC, by

20 MR. JOSEPH T. MELARKEY, C.S.R.

21 License No. 084-000686

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Witnesses:

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None.

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1 JUDGE KIMBREL: Pursuant to the authority of the
2 Illinois Commerce Commission, I now call Docket 13-0060, The
3 Seneca, petition for waiver to allow redistribution of
4 electricity for a multi-family building.

5 Would the parties please identify themselves,
6 for the record, including their address and telephone
7 number?

8 MR. FOSCO: Appearing, your Honor, on behalf of
9 Commonwealth Edison Company, Carmen L. Fosco and Maris J.
10 Jager, with Rooney Rippie & Ratnaswamy, LLP, 350 West
11 Hubbard Street, Suite 600, Chicago, Illinois, 60654.

12 Do you need the telephone number as well, your
13 Honor?

14 JUDGE KIMBREL: Yes.

15 MR. FOSCO: Sure. It's 312-447-2800 is the
16 telephone number.

17 And my email address is
18 carmen.fosco@R3law.com and Maris J. Jager is
19 maris.jager@R3law.com.

20 MR. KRAUS: (via telephone): This is Brett Kraus,
21 appearing for the Petitioner, The Seneca.

22 My address is 99 East 700 South, Logan, Utah,

1 84321.

2 The telephone number is 435-713-2136.

3 And the email address is

4 ekraus@bonservite.com.

5 JUDGE KIMBREL: Okay. Whoever has the caption,

6 I omitted ComEd as the Respondent.

7 There's a typo in those documents, and there

8 shouldn't have been one.

9 But anyway, there was a brief discussion off
10 the record.

11 Would one of the parties like to catch us up
12 on where we stand today?

13 MR. FOSCO: Sure. Your Honor, Carmen Fosco, on
14 behalf of ComEd.

15 We discussed two issues off the record, your
16 Honor.

17 One was about the amendment, the document
18 that was styled "amendment" to the petition for waiver to
19 allow the redistribution of electricity for a multi-family
20 building.

21 We had an off the record discussion where we
22 discussed that it's ComEd's position that the parties should

1 be the owners, and the caption on the filings still in the
2 name of The Seneca which is the, as I understand it, it's
3 the d/b/a for WRPD, Xi Seneca, Chicago, LLC, the owner, and
4 I think Mr. Kraus is going to represent on the record that
5 that was his intention to, therefore, name that party as the
6 owner, the Petitioner in this case, doing business as The
7 Seneca, and he was going to then follow up with the clerk's
8 office as to what will be necessary to have the caption on
9 the document changed.

10 Maybe we can do it one at a time, if Mr.
11 Kraus wants to respond to that.

12 MR. KRAUS: I agree with that, and, for the
13 record, we do wish to clarify that WRPD, Xi Seneca, Chicago,
14 LLC is the owner and is the intended Petitioner on that,
15 and that we are planning to get that name styled in the
16 caption changed.

17 MR. FOSCO: Just to let your Honor know, just sort
18 of a sub point on that issue is that, as we understand it,
19 that Mr. Kraus is appearing directly as attorney for the
20 owner.

21 I don't know if he can make that
22 clarification for the record.

1 MR. KRAUS: I'll make that clarification for the
2 record.

3 MR. FOSCO: Thank you. The second issue, your
4 Honor, is that ComEd intends to file a motion, a dispositive
5 motion of some type.

6 It may be a motion to dismiss or summary
7 judgment or a judgment on the pleadings.

8 We've agreed to a schedule for the filing of
9 such a motion.

10 ComEd will file that motion on or before
11 April - -

12 MS. JAGER: On or before May 15th.

13 MR. FOSCO: I'm sorry, your Honor, on or before
14 May 7th, and then the Petitioner will respond by May 28th,
15 and then there will be a reply on or before June 7th with
16 a status hearing set for June 26th at 11:00 a.m. at the
17 Commission.

18 And I believe Mr. Kraus was also going to
19 request permission to call into that status hearing, to
20 which ComEd has no objection.

21 MR. KRAUS: I agree to that as well, all points
22 on that, yes, which includes the request that I be allowed

1 to appear via telephone, a teleconference to that at the
2 hearing on June 26th.

3 JUDGE KIMBREL: Okay. And that request is
4 granted.

5 Is there anything further?

6 MR. FOSCO: Nothing from ComEd, your Honor.

7 MR. KRAUS: Nothing from The Seneca, your Honor.

8 JUDGE KIMBREL: That being the case, this matter
9 is continued to June 26th at 11:00 a.m.

10 Thank you both.

11 MR. KRAUS: Thank you, your Honor.

12 MR. FOSCO: Thank you, your Honor.

13 JUDGE KIMBREL: All right. Have a good day.

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